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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/348,069 07/06/99 FABRIZIO A 63286

MC GLEW AND TUTTLE PC
SCARBOROUGH STATION
SCARBOROUGH NY 10510-0827

QM12/0926

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/348,069

Applicant(s)
Fabrizio

Examiner
Clark F. Dexter

Group Art Unit
3724



☒ Responsive to communication(s) filed on Jul 13, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) 15-35 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 and 36 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4, 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Species I, Figures 1, 2, 2A and 2B (readable on claims 1-14 and 36) in the response filed July 13, 2000 (paper no. 8) is acknowledged. Claims 15-35 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Information Disclosure Statement

2. The information disclosure statements filed July 6, 1999 (paper #2), July 28, 1999 (paper #4) and June 19, 2000 (paper #7) have been received and the references listed thereon have been considered.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. ✓ See MPEP § 601.01(a).

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Further, the filing date of the Italian priority document appears to be inaccurate (i.e., according to the Italian document, it seems that the filing date should read July 6, 1998).

Drawings

4. The drawings are objected to because of the following informalities:

In Figures 2A and 2B, it seems that numerals 1, 3 and 5C should be changed to --1'-- , --3'-- and --5C'-- or the like since they represent a variation of similar components shown in Figures 1-2; similarly, in Figure 2A, it seems that numerals 5, 5G (both occurrences) and 21 should be changed to 5', 5G' and 21' or the like.

Appropriate correction is required.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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6. The abstract of the disclosure is objected to because “means” and “said” are used throughout the abstract which is improper; also, in the last line, “(Fig. 1)” is improper. Correction is required. See MPEP § 608.01(b).

Specification

7. The disclosure is objected to because of the following informalities:

On page 5, line ²⁶25, it seems that “15 and 17” is inaccurate and should be changed to -- 15-17 -- or the like; in line 32, “20” is inaccurate and should read --21--.

On page 6, line 2, it seems that “19 and 21” is inaccurate and should be changed to -- 19-21 -- or the like; in lines 20-22, “a housing consisting of ...” is unclear as to what component(s) other than the housing portion 3 is/are part of the housing; in line 31, it seems that “9” is inaccurate and “ , 9” should be deleted. ← R

On page 7, lines 31-32, it is not clear as to what disclosed structure “spring-action projections refers, and it seems that --(not shown)-- or --19A-- or the like should be inserted after “projections” for clarity. ←

On page 9, line 5, it seems that “head” should be changed to read --modified housing 3’ of a head 1’ -- or the like; in line 10, it seems that “5C” should read --5C’ --; in line 12, it seems that “5G” and “5” should be changed to --5G’-- and --5--; in line 14, it seems that “21” should be changed to --21’--; in line 23, it seems that “5C” should read --5C’ --. ←

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

8. Claims 1-14 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, line 1, "housing" is vague and indefinite as to what disclosed structure it refers; in lines 5-7, "accessible from the outside to enable ... out of said housing" is vague and indefinite since it is not clear as what structure is being set forth, and since sufficient structure has not been set forth to perform such a function.

In claim 2, lines 1-2, "said feed mechanism" lacks positive antecedent basis (it is suggested to insert --feed-- before "mechanism" in claim 1); in line 2, "comprises a spring-action member" renders the claim vague and indefinite, particularly as to what disclosed structure corresponds to the feed mechanism, particularly since this phrase does not agree with the specification wherein on page 7, lines 101-3, the feed mechanism is described as consisting of components (19, 19A, 5A and 5B) which do not include the spring-action member; in line 2, "and in that" renders the claim vague as to what is being set forth, particularly the relationship of the retention means with respect to the other claimed structure; in line 2, "retention means" is vague and indefinite as to what disclosed structure it refers.

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In claim 3, lines 1-2, "retension members" is vague and indefinite as to what disclosed structure it refers, and further is vague and indefinite as to its relationship with "retension means" set forth in claim 2.

In claim 4, line 2, "anti-rotation means" is vague and indefinite as to what disclosed structure it refers. ←

In claim 5, line 2, structural cooperation is lacking for "arresting stops", particularly with respect to the actuating slider; in line 3, structural cooperation is lacking for "an actuating slider", and sufficient structure does not appear to have been set forth to perform the recited function of "to cause an angular step by step rotation of said spool". ←

In claim 6, lines 2-3, "a first series of teeth and a second series of teeth integral with said spool" is vague as to whether both series or just the second series are integral with the spool; in line 4, structural cooperation is lacking for "a first stop or group of stops", particularly as to what supports the stop or group of stops; in lines 4-5, "the second stop or group of stops" lacks antecedent basis and further lacks structural cooperation; in line 5, "the positions of arrest defined by ..." lacks positive antecedent basis and is vague and indefinite as to what it refers (i.e., the positions of arrest of what component?); in line 6, "the positions of arrest defined by ..." lacks positive antecedent basis and is vague and indefinite as to what it refers; in lines 5-7, in general, it is not clear what structure is being set forth; in line 8, "said actuating slider causing an axial movement of said spool ..." is vague and indefinite as to how the actuating slider causes the axial movement. ←

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In claim 7, lines 1-2, ✓“said feed mechanism” lacks positive antecedent basis; in line 3, structural cooperation is lacking for “movable stops” and for “actuating slider”; in line 4, ✓“said spring-action member” lacks antecedent basis. ↵

In claim 8, line 2, ✓“a first housing portion” is vague and indefinite as to its relationship with “housing” in claim 1, and is vague and indefinite as to what disclosed structure it refers as compared to “housing” in claim 1; in line 3, ✓“the rotary drive” lacks antecedent basis; in line 4, structural cooperation is not positively set forth between the support and spool; in line 5, the comma “,” renders the limitation vague and indefinite, and it is suggested to delete it for clarity; in lines 9-10, ✓“the spool support” lacks positive antecedent basis. ↵

In claim 10, line 3, ✓“the winding direction” lacks positive antecedent basis.

In claim 11, line 1, “said support” lacks antecedent basis; in lines 2-3, “a supporting collar for said spool” is vague and indefinite as to what structure is being set forth, and structural cooperation is not clearly set forth for “a supporting collar”. ↵

In claim 12, line 2, structural cooperation is not positively set forth for “a cylindrical support”, particularly with respect to the spring-action member, and further it is not clear as to what disclosed structure “cylindrical support” refers, particularly in view of the recitation of “cylindrical wall” in claim 11; ✓“home” is vague and indefinite as to what it refers. ↵

In claim 13, line 2, “said annular cover” lacks antecedent basis. ↵

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In claim 14, line 2, ✓“a circular skirt” lacks structural cooperation and is vague and indefinite as to what disclosed structure it refers; in lines 2-3, ✓“the circumferential wall” lacks antecedent basis, and is vague and indefinite as to what disclosed structure it refers.

Prior Art

9. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
September 25, 2000